

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PURZEL VIDEO GMBH,

Plaintiff,

vs.

JOHN DOE SUBSCRIBER UTILIZING
IP ADDRESS 99.63.5.25,

Defendant.

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No. 4:13-CV-1668 (CEJ)

ORDER

IT IS HEREBY ORDERED that plaintiff's motion for leave to take discovery prior to a Rule 26(f) conference [Doc. #3] is **granted**.

IT IS FURTHER ORDERED that plaintiff may issue subpoenas to non-party internet service providers (ISPs), in a manner consistent with Rule 45 of the Federal Rules of Civil Procedure, for the sole purpose of obtaining the name, address, email, phone number, and media access control address of the persons or entities who use the IP address listed in Exhibit A of the complaint. Plaintiff shall serve a copy of this order with the issued subpoenas. Plaintiff may not pursue additional early discovery without first seeking leave of Court.

IT IS FURTHER ORDERED that any ISP that qualifies as a "cable operator" as defined by 47 U.S.C. § 522(5) shall comply with 57 U.S.C. § 551(c)(2)(B) by serving a copy of the subpoena and this order on the subscriber no later than twenty-one (21) days after service of the subpoena on the ISP. The ISP may serve the relevant Doe defendant using any reasonable means, including written notice to his last known address, transmitted by either first-class mail or overnight service.

IT IS FURTHER ORDERED that the Doe defendants shall have thirty (30) days from the date of service of this order and the subpoena from their ISP to file a motion, or motions, contesting the subpoena. No ISP may turn over the defendants' identifying information before this thirty (30) day period expires. If a Doe defendant files a motion to quash, or other similar motion, their ISP shall not turnover any information to plaintiff until the Court rules in favor of plaintiff on the merits of the motion. In addition, a Doe defendant or ISP who files such a motion must immediately notify all ISPs so that the ISPs are on notice not to release any of that Doe defendants' contact information to plaintiff until the Court rules on such motions.


IT IS FURTHER ORDERED that plaintiff shall have twenty (20) days in which to respond to a motion filed by a Doe defendant. A reply, if any, must be filed seven (7) days thereafter.

IT IS FURTHER ORDERED that if that thirty (30) day period lapses without the appropriate Doe defendant contesting the subpoena, or if the Court rules in favor of plaintiff on any motion(s) contesting the relevant subpoena, the ISP shall have fourteen (14) days to product the information responsive to the subpoena to plaintiff.

IT IS FURTHER ORDERED that the subpoenaed ISP shall preserve any subpoenaed information pending the resolution of any timely-filed motion contesting the subpoena.

IT IS FURTHER ORDERED that nothing set forth herein abrogates the protections afforded to the Doe defendants or the ISPs under Fed.R.Civ.P. 45(c).

IT IS FURTHER ORDERED that plaintiff may only use the information disclosed in response to a Rule 45 subpoena served on an ISP for the purpose of protecting and enforcing plaintiff's rights as set for in its complaint.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 30th day of August, 2013.